

Introduced by Senators Yee and Ashburn

(Principal coauthors: Assembly Members Nestande and Portantino)

(Coauthor: Senator Romero)May 26, 2009

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 21, as introduced, Yee. University of California.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require that corporation to have all powers necessary or convenient for the effective administration of its trust.

This measure would repeal on January 1, 2011, the constitutional provisions relating to the university and the regents and would require the university and the regents to be continued in existence subject to legislative control as may be provided by statute. The measure would require the Legislature to enact legislation to implement these provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Senate, the Assembly concurring,* That the
- 2 Legislature of the State of California at its 2009–10 Regular

1 Session commencing on the first day of December 2008, two-thirds
2 of the membership of each house concurring, hereby proposes to
3 the people of the State of California, that the Constitution of the
4 State be amended as follows:

5 First—That Section 9 of Article IX thereof is amended to read:

6 SEC. 9. (a) The University of California shall constitute a
7 public trust, to be administered by the existing corporation known
8 as “The Regents of the University of California,” with full powers
9 of organization and government, subject only to ~~such that~~ *ensure* the security
10 legislative control as may be necessary to ~~insure~~ *ensure* the security
11 of its funds and compliance with the terms of the endowments of
12 the university and ~~such~~ competitive bidding procedures as may be
13 made applicable to the university by statute for the letting of
14 construction contracts, sales of real property, and purchasing of
15 materials, goods, and services. ~~Said~~ *The* corporation shall be in
16 form a board composed of seven ex officio members, which shall
17 be: the Governor, the Lieutenant Governor, the Speaker of the
18 Assembly, the Superintendent of Public Instruction, the president
19 and the vice president of the alumni association of the university
20 and the acting president of the university, and 18 appointive
21 members appointed by the Governor and approved by the Senate,
22 a majority of the membership concurring; ~~provided, however that~~
23 ~~the present appointive members shall hold office until the~~
24 ~~expiration of their present terms.~~

25 (b) The terms of the members appointed prior to November 5,
26 1974, shall be 16 years; the terms of two appointive members to
27 expire as heretofore on March ~~1st~~ *1* of every even-numbered
28 calendar year, and two members shall be appointed for terms
29 commencing on March 1, 1976, and on March 1 of each year
30 thereafter; provided that no such appointments shall be made for
31 terms to commence on March 1, 1979, or on March 1 of each
32 fourth year thereafter, to the end that no appointment to the regents
33 for a newly commencing term shall be made during the first year
34 of any gubernatorial term of office. The terms of the members
35 appointed for terms commencing on and after March 1, 1976, shall
36 be 12 years. ~~During the period of transition until the time when~~
37 ~~the appointive membership is comprised exclusively of persons~~
38 ~~serving for terms of 12 years, the total number of appointive~~
39 ~~members may exceed the numbers specified in the preceeding~~
40 ~~paragraph.~~

1 In case of any vacancy, the term of office of the appointee to fill
2 such vacancy, who shall be appointed by the Governor and
3 approved by the Senate, a majority of the membership concurring,
4 shall be for the balance of the term for which ~~such~~ *that* vacancy
5 exists.

6 (c) The members of the board may, in their discretion, following
7 procedures established by them and after consultation with
8 representatives of faculty and students of the university, including
9 appropriate officers of the academic senate and student
10 governments, appoint to the board either or both of the following
11 persons as members with all rights of participation: a member of
12 the faculty at a campus of the university or of another institution
13 of higher education; a person enrolled as a student at a campus of
14 the university for each regular academic term during his *or her*
15 service as a member of the board. Any person so appointed shall
16 serve for not less than one year commencing on July 1.

17 (d) Regents shall be able persons broadly reflective of the
18 economic, cultural, and social diversity of the State, including
19 ethnic minorities and women. However, it is not intended that
20 formulas or specific ratios be applied in the selection of regents.

21 (e) In the selection of the ~~Regents~~ *regents*, the Governor shall
22 consult an advisory committee composed as follows: The Speaker
23 of the Assembly and two public members appointed by the
24 Speaker, the President ~~Pro~~ *pro* Tempore of the Senate and two
25 public members appointed by the ~~Rules Committee~~ of the Senate
26 *Committee on Rules*, two public members appointed by the
27 Governor, the ~~chairman~~ *chairperson* of the regents of the
28 university, an alumnus of the university chosen by the alumni
29 association of the university, a student of the university chosen by
30 the Council of Student Body Presidents, and a member of the
31 faculty of the university chosen by the academic senate of the
32 university. Public members shall serve for four years, except that
33 one each of the initially appointed members selected by the Speaker
34 of the Assembly, the President ~~Pro~~ *pro* Tempore of the Senate,
35 and the Governor shall be appointed to serve for two years; student,
36 alumni, and faculty members shall serve for one year and may not
37 be regents of the university at the time of their service on the
38 advisory committee.

39 (f) The Regents of the University of California shall be vested
40 with the legal title and the management and disposition of the

1 property of the university and of property held for its benefit and
2 shall have the power to take and hold, either by purchase or by
3 donation, or gift, testamentary or otherwise, or in any other manner,
4 without restriction, all real and personal property for the benefit
5 of the university or incidentally to its conduct; ~~provided, however,~~
6 ~~that. However,~~ sales of university real property shall be subject to
7 ~~such~~ competitive bidding procedures as may be provided by statute.
8 ~~Said~~ The corporation shall also have all the powers necessary or
9 convenient for the effective administration of its trust, including
10 the power to sue and to be sued, to use a seal, and to delegate to
11 its committees or to the faculty of the university, or to others, ~~such~~
12 ~~the~~ authority or functions as it may deem wise. ~~The Regents~~ *regents*
13 shall receive all funds derived from the sale of lands pursuant to
14 the act of Congress of July 2, 1862, and any subsequent acts
15 amendatory thereof. The university shall be entirely independent
16 of all political or sectarian influence and kept free therefrom in
17 the appointment of its regents and in the administration of its
18 affairs, and no person shall be debarred admission to any
19 department of the university on account of race, religion, ethnic
20 heritage, or sex.

21 (g) Meetings of the Regents of the University of California shall
22 be public, with exceptions and notice requirements as may be
23 provided by statute.

24 (h) *This section shall become inoperative on January 1, 2011,*
25 *and as of that date is repealed.*

26 Second—That Section 9 is added to Article IX thereof, to read:

27 SEC. 9. (a) The University of California is hereby continued
28 in existence in the state government, and is subject to legislative
29 control as may be provided by statute.

30 (b) The University of California shall be administered by the
31 existing corporation known as “The Regents of the University of
32 California,” which is hereby continued in existence in the state
33 government, and is subject to legislative control as may be provided
34 by statute.

35 (c) The Legislature shall enact legislation to implement this
36 section.

37 (d) This section shall become operative on January 1, 2011.

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